

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT WINCHESTER**

UNITED STATES OF AMERICA)	
)	Case No. 4:22-cr-023-1
v.)	
)	Judge Travis R. McDonough
)	
DAVID CROCKETT HAVNER)	Magistrate Judge Michael J. Dumitru
)	

ORDER

Magistrate Judge Mike Dumitru filed a report and recommendation recommending that the Court: (1) grant Defendant’s motion to withdraw his not guilty plea as to Count Two of the three-count Superseding Indictment; (2) accept Defendant’s guilty plea to the lesser included offense of the charge in Count Two of the Superseding Indictment, that is, possession with intent to distribute a mixture and substance containing methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(C) (the “Lesser Included Offense”);#3) adjudicate Defendant guilty of the Lesser Included Offense; (4) defer a decision on whether to accept the Plea Agreement (Doc. 113) until sentencing; and (5) order that Defendant remain in custody until sentencing in this matter (Doc. 120). Neither party filed a timely objection to the report and recommendation. After reviewing the record, the Court agrees with Magistrate Judge Dumitru’s report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the Magistrate Judge’s report and recommendation (Doc. 120) pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

1. Defendant’s motion to withdraw his not guilty plea to Count Two of the three-count Superseding Indictment is **GRANTED**;
2. Defendant’s plea of guilty to the Lesser Included Offense is **ACCEPTED**;

3. Defendant is hereby **ADJUDGED** guilty of the Lesser Included Offense;
4. A decision on whether to accept the Plea Agreement is **DEFERRED** until sentencing;
and
5. Defendant **SHALL REMAIN** in custody until sentencing in this matter which is
scheduled to take place on **September 12, 2025 at 9:00 a.m. [EASTERN]** before the
undersigned.

SO ORDERED.

/s/Travis R. McDonough

**TRAVIS R. MCDONOUGH
UNITED STATES DISTRICT JUDGE**